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Patentanwälte

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Ihr Zeichen/Your Reference

Unser Zeichen/Our Reference

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PCT/EP2004/004125

für/for
Patent

in
PCT

Anmelder/Applicant
november Aktiengesellschaft Gesellschaft für Molekulare
Medizin

Titel/Title
"DEVICE AND METHOD FOR THE PREPARATION OF ANALYTE
COMPRISING LIQUIDS"

Responsive to the Communication pursuant to Rule 66.2c), 66.3
and 66.4 of the PCT dated September 12, 2005:

1. Amended documents

Herewith there are submitted the following documents:

- /1. Amended claims 1 to 53 with marked up amendments and
- /2. amended claims 1 to 53 as clean copy.

Amended claims 1 to 53 replace former claims.

Bankverbindungen
Bank accounts

Sparkasse Erlangen
Kto. Nr. 1200 4805
(B.L.Z. 763 500 00)

HypoVerenbank
Kto. Nr. 32 95 222
(B.L.Z. 763 200 72)

Steuer-Nr.: 216/160/02209
Ust-IdNr.: DE229240931
Registergericht: Fürth (Bay.)
Partnerschaftsregister Nr. 025

2. Admissibility of the amendments

Amended Claim 1 is based on former claims 1 and 8 as well as on the specification page 22, line 22 to page 23, line 19.

Claim 8 has been brought into consistency with amended Claim 1.

Amended Claim 32 is based on former Claim 32 as well as on the specification page 22, line 22 to page 23, line 19.

The amendments are based on the content of the originally filed application documents. The amendments are admissible.

3. Novelty

The subject matter of amended Claim 1 is new.

From none of the cited references there is known a device for contamination free preparation of an analyte containing a sample solution, comprising a first and second chamber, which are connected by a channel, wherein the first chamber has means for reversibly changing its volume, and the second chamber has reversibly changeable volume, wherein a connector, which is provided with a means of flow regulation, is connected to the channel or one of the chambers for loading of a sample solution into the first or second chamber, and wherein there is provided at least one further chamber being filled with reactant and sealed, the further chamber being connectable to the channel prior to use.

The subject matter of Claim 1 is new. The same argument is valid for method Claim 33 which contains as a method step the use of the device of Claim 1.

4. Inventive step

D1 is considered to represent a most pertinent prior art.

Therefrom there is known a device comprising a first and a second chamber, which are connected by a channel, wherein the first chamber has means for reversibly changing its volume, and the second chamber has a reversibly changeable volume, wherein a connector, which is provided with a means of flow regulation, is connected to the channel or one of the chambers for loading a sample solution into the first or second chamber.

From D1 it is not known to provide at least one further chamber being filled with a reactant and sealed, the further chamber being connectable to the channel prior to use.

This has the advantage that the reagent contained in the chamber can be stored separately as required to maintain its integrity.

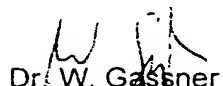
From D1 it is not known to provide a further chamber being filled with a reactant and sealed, the further chamber being connectable to the channel prior to use. The subject matter of amended Claim 1 is not obvious from D1.

Also references D2 to D4 do not disclose a device in which there is provided at least a chamber being filled with a reactant and sealed, the chamber being connectable to the channel.

From reference D5 there is known a self-sealing sample container with internal collapsible bag. Neither from reference D1 nor from reference D5 does the skilled person get any hint to use such a sealed container in a device described by reference D1. The subject matter of amended Claim 1 is not obvious from a combination of D1 with D5.

5. Summary

In receipt with the above it is respectfully submitted the subject matter of the claimed invention is patentable.


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